IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 19299 of 2007(V)

PETITIONER:

SMT.K.BAVANI, W/O.LATE K.VASUDEVAN,
PUTHENVILA HOUSE, EDAYAM P.O., ARAKKAL VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.T.R.RAJAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
PRINCIPAL SECRETARY, REVENUE(S) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE TAHSILDAR, TALUK OFFICE,
PATHANAPURAM, PUNALUR.

4. DEPUTY TAHSILDAR (R.R), TALUK OFFICE,
PATHANAPURAM, PUNALUR.

5. THE VILLAGE OFFICER, ARAKKAL VILLAGE,
KOLLAM.

6. THE ADDITIONAL SALES TAX OFFICER,
ANCHAL, KOLLAM.

BY G.P. SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOTICE DT.31.7.2006 ISSUED BY R3 TO THE PETITIONER.

P2: TRUE COPY OF ORDER DT.2.1.2007 ISSUED BY R1.

P3: TRUE COPY OF REPRESENTATION DT.16.5.2007 FILED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA AND REFERRED BY THE HON'BLE CHIEF MINISTER TO R1.

P4: TRUE COPY OF JUDGMENT DT.25.5.2005 OF THIS HON'BLE COURT IN WPC NO.14890/2005.

P5: TRUE COPY OF SALE DEED NO.4592/1964 OF CHATAYAMANGALAM SRO.

P6: TRUE COPY OF TAX RECEIPT BEARING NO.12 DT.15.3.2007 ISSUED BY THE SECRETARY OF THE EDAMULACKAL GRAMA PANCHAYAT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.19299 of 2007

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Dated this the 20th day of July, 2007.

JUDGMENT

The petitioner's husband's property was sold in recovery proceedings for recovery of arrears of sales tax. The details of liability are not on record. However, petitioner's contention is that liability is below Rs.10,000/-. Government Pleader submitted that sale took place in 1985 and Government purchased the property for rupee one. However, Government has not taken possession of the property even after 22 years of purchase and petitioner is allowed to enjoy possession of the property. In the circumstances, I feel even in the interest of the State the tax with interest should be collected and on payment, property should be restored to the petitioner. The W.P. is accordingly disposed of with direction to third respondent to demand the tax and interest liability due from petitioner's husband within a week from the date of production of copy of this judgment. The petitioner is granted two weeks time thereafter to remit the amount. If petitioner makes payment within the time granted above, sale in favour of the State will stand set aside and the property will revert back to the petitioner. There will be direction to the respondents not to dispossess

the petitioner or take over possession in between.

C.N.RAMACHANDRAN NAIR
Judge

pms